

**VOLUME 9**

**“HAZARDOUS WASTE MANAGEMENT”**

**SUMMARY OF VOLUME 9 CHANGES**

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**REFERENCES**

- (a) Sections 6901-6992k of Title 42, United States Code (42 U.S.C. §§6901-6992k) (also known as “Resource Conservation and Recovery Act,” (RCRA) as amended)
- (b) Public Law 89-272, “Solid Waste Disposal Act of 1965,” October 20, 1965
- (c) Public Law 98-616, “Hazardous and Solid Waste Amendments of 1984,” November 8, 1984
- (d) Public Law 102-386, “Federal Facility Compliance Act of 1992,” October 6, 1992
- (e) Section 1 of Public Law 104-119, “Land Disposal Program Flexibility Act of 1996,” March 26, 1996
- (f) MCO 4140.5a
- (g) 40 CFR 271
- (h) 40 CFR 261
- (i) 49 CFR 100 to 185
- (j) 40 CFR 266
- (k) DoD Directive 4145.19-R-1, “Storage and Materials Handling,” September 15, 1979
- (l) MCO 4450.12A, “Storage and Handling of Hazardous Materials,” January 13, 1999
- (m) 40 CFR 262
- (n) 42 U.S.C. §133
- (o) Public Law 99-499, “Superfund Amendments and Reauthorization Act,” October 17, 1986
- (p) DoD Directive 4160.21-M, “Defense Materiel Disposition Manual,” August 18, 1997
- (q) Council on Environmental Quality, “Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade,” June 10, 2015
- (r) 40 CFR 264
- (s) Department of Defense (DoD) 6055.9-STD, “DoD Ammunition and Explosives Safety Standards,” February 29, 2008
- (t) 40 CFR 265
- (u) 29 U.S.C. 651
- (v) 40 CFR 273
- (w) 40 CFR 279
- (x) 40 CFR 761
- (y) 40 CFR 112
- (z) 40 CFR 280
- (aa) 40 CFR 263
- (ab) SECNAV M-5210.1
- (ac) DoD Instruction 4715.6, “Environmental Compliance,” May 4, 2015
- (ad) Public Law 80-235, “National Security Act of 1947,” July 26, 1947
- (ae) Public Law 81-216, “National Security Act Amendment of 1949,” August 10, 1949
- (af) DoD Directive 4001.1, “Installation Management,” September 4, 1986
- (ag) 40 CFR 268
- (ah) 40 CFR 148.16
- (ai) 40 CFR 270
- (aj) 10 U.S.C. §2692
- (ak) Department of Defense (DoD) 4715.05-G, “Overseas Environmental Baseline Guidance Document,” May 1, 2007
- (al) 40 CFR 260
- (am) 29 CFR 1910

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- (an) 42 U.S.C. §2011
- (ao) 42 U.S.C. 6601 et seq.
- (ap) 40 CFR 372
- (aq) SECNAV M-5214.1

Report Required: Authorized Use List (AUL) Adjustment Report (NAVMC 11779) (Report Control Symbol Exempt), Chap. 4, par. 040601.A

**VOLUME 9: CHAPTER 1**

**“SCOPE”**

**SUMMARY OF SUBSTANTIVE CHANGES**

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**CHAPTER 1**

**SCOPE**

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with statutory and regulatory requirements for hazardous material and hazardous waste management and minimization. Additionally, requirements for hazardous material and hazardous substance spills are discussed in this Volume and should follow release notification requirements established in Volume 7 of this Manual. Volume 21 of this Manual provides specific information on requirements for waste military munitions.

0102 APPLICABILITY

See Volume 1 paragraph 0102 of this Manual.

0103 BACKGROUND

Sections 6901-6992k of Title 42, United States Code (42 U.S.C. §§6901-6992k) (also known and referred to in this Order as “Resource Conservation and Recovery Act,” (RCRA) as amended) (Reference (a)) was enacted in 1976 as an amendment to Public Law 89-272, “Solid Waste Disposal Act of 1965” (Reference (b)). Reference (a) has since been amended by several statutes, including Public Law 98-616, “Hazardous and Solid Waste Amendments of 1984” (Reference (c)), Public Law 102-386, “Federal Facility Compliance Act of 1992” (Reference (d)), and Section 1 of Public Law 104-119, “Land Disposal Program Flexibility Act of 1996” (Reference(e)). The objectives of Reference (a) are to assist state and local agencies in the development of solid waste management plans; prohibit open dumping on the land; require the conversion of existing open dumps to facilities that do not pose a danger to the environment or to human health; and ensure that hazardous waste management practices protect human health and the environment. Reference (a) provides for the "cradle-to-grave" tracking of hazardous waste from generator to storage, treatment, and ultimate disposal.

010301. The U.S. Environmental Protection Agency (EPA) may delegate authority to a state to implement the RCRA hazardous waste program in lieu of EPA.

010302. States with delegated authority have the primary responsibility to implement the RCRA hazardous waste program. State hazardous waste programs shall be at least as stringent as federal requirements. Therefore, many of the federal regulatory requirements set forth in this Volume may not be directly applicable to installation hazardous waste management activities, but should serve as minimum standards.

010303. Reference (d) waives sovereign immunity under RCRA; therefore, the Marine Corps is subject to civil and administrative fines and penalties levied by federal, state, and local regulators.

**VOLUME 9: CHAPTER 2**

**“AUTHORITY”**

**SUMMARY OF SUBSTANTIVE CHANGES**

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**CHAPTER 2**

**AUTHORITY**

0201 FEDERAL STATUTES

- 020101. RCRA of 1976 (42 U.S.C. 6901 et seq).
- 020102. Federal Facility Compliance Act of 1992 (Public Law 102-386).
- 020103. Hazardous Materials Transportation Act of 1975 (49 U.S.C. 5101 et seq.).
- 020104. Land Disposal Program Flexibility Act of 1996 (Public Law 104-119).
- 020105. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended (42 U.S.C. 9601 et seq.) .
- 020106. Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 (42 U.S.C. 11001 et seq).

0202 EXECUTIVE ORDERS (E.O.)

E.O. 13693, “Planning for Federal Sustainability in the Next Decade”.

0203 DEPARTMENT OF DEFENSE (DOD) POLICY

- 020301. DoD 4140.27-M Shelf-Life Management Manual.
- 020302. DoD 4160.21-R Defense Materiel Disposition Manual.
- 020303. DoDI 4715.06 Environmental Compliance in the United States.
- 020304. DoDI 6050.05 DoD Hazard Communication (HAZCOM) Program.

0204 RELATED MARINE CORPS POLICY

- 020401. MCO 1510.116 Individual Training Standards for Hazardous Material/Hazardous Waste Marine.
- 020402. MCO 4140.5A Marine Corps Shelf-Life Program.
- 020403. MCO 4400.39 War Reserve Materiel Policy.
- 020404. MCO 10330.2D Storage and Handling of Liquefied and Gaseous Compressed Gasses and Their Full and Empty Cylinders.

- 020405. MCO 4030.19K (P4030.19K) Preparing Hazardous Materials for Military Air Shipments.
- 020406. MCO 4030.40B Packaging of Hazardous Material.
- 020407. MCO 4400.151B W/CH 1-2 (P4400.151B W/CH 1-2) Intermediate-Level Supply Management Policy Manual.
- 020408. MCO 4400.177G Marine Corps Aviation Supply Desk-Top Procedures with Continuous Process Improvement.
- 020409. MCO 4450.12A Storage and Handling of Hazardous Materials.
- 020410. MCO 4450.13A Materiel Quality Storage Standards Policy for Shelf-Life Materiel.
- 020411. Commander's Guide to Environmental Management.

**VOLUME 9: CHAPTER 3**

**“REQUIREMENTS”**

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**CHAPTER 3**

**REQUIREMENTS**

0301 GENERAL

Marine Corps installations and Marine Corps commands/units and tenants in the United States shall comply with all applicable federal, state, and/or local regulatory requirements relating to hazardous waste. Compliance with all aspects of an EPA-approved state hazardous waste management program is considered compliance with all federal requirements. If a state has a program that is not approved by EPA, Marine Corps installations and commands/units and tenants in the given state shall comply with the most stringent state and federal program requirements.

030101. Requirement

Any installation that generates, transports, treats, stores, or disposes of hazardous waste or produces, burns, distributes, or markets any hazardous waste-derived fuels shall notify the cognizant EPA office of its activities and comply with Reference (a) and/or the appropriate hazardous waste regulatory program.

A. Upon presenting proper credentials, federal and state agency officials with responsibility over the hazardous waste programs shall be allowed reasonable access to Marine Corps installations to perform their inspection and oversight duties, but inadequately cleared personnel shall not be allowed access to classified areas until a proper security clearance is obtained.

B. The installation environmental office shall maintain and forward records and reports as required and/or requested by federal, state, or local agencies with responsibility over the hazardous waste program.

C. Military munitions are subject to the RCRA hazardous waste requirements of this Volume when they have been determined to be hazardous waste military munitions (see Volume 21 of this Manual). In conjunction with the requirements of this Volume, generators of waste military munitions should reference Volume 21 of this Manual for policy and other matters pertaining to the use, handling, storage, and transportation of hazardous waste military munitions.

030102. Environmental Compliance

See Volume 4 of this Manual for information on policy, responsibility, and procedures for achieving compliance with applicable federal, state, interstate, and regional statutory and regulatory and Executive Order environmental requirements.

0302 HAZARDOUS WASTE MINIMIZATION

Every Uniformed Hazardous Waste Manifest (UHWM) requires generator certification that programs exist to minimize the volume and toxicity of hazardous wastes generated, insofar as economically feasible. As such, and to reduce costs associated with hazardous waste disposal, it is critical that Marine Corps installations have an appropriate hazardous waste minimization program in place.

Marine Corps installations shall use the Environmental Management Hierarchy to realize hazardous waste minimization through source reduction, material recycling, and as a last resort, treatment and/or disposal.

030201.        Planning

Marine Corps installations shall implement and maintain a life cycle management plan that includes the consolidation of materials, waste, and minimization efforts. The life cycle management plan strives to reduce the amount of hazardous material used and hazardous waste generated by implementing up-front hazardous material control in procurement, supply, and use as well as proper life-cycle control and management. The goals of the life cycle management plan are to reduce unnecessary risks and costs associated with the disposal of excess or expired shelf-life hazardous material, protect the environment, ensure safety, and enhance readiness. The plan should employ sound hazardous material management practices, including the establishment and enforcement of hazardous material Authorized Use Lists (AULs).

030202.        Education

Marine Corps installations shall ensure all activities that order, procure, store, and/or use hazardous material or generate hazardous waste are knowledgeable of the installation's hazardous waste minimization programs. Activities consist of any military, civilian, and contractor units or work centers that operate aboard an installation for more than 30 days in any fiscal year; order, procure, store and/or use hazardous material; or generate hazardous waste.

030203.        Technology

Marine Corps installations shall develop and incorporate new technology or materials that have a reduced impact upon the environment, are safer and healthier, or result in reduced releases and emissions.

030204.        Reduction

Hazardous waste minimization begins with improved hazardous material management practices. Marine Corps installations shall regulate the types and quantities of hazardous material ordered, procured, stored, and/or used through activity AULs. Activities shall not order, procure, store, and/or use hazardous material that has not been authorized for the activity; nor order, procure, and/or store hazardous material in excess of maximum on hand quantity limits as stated on their AUL. Unauthorized and excess hazardous material will be removed from the activity and included in the installation's reuse program.

030205.        Substitution

Hazardous material substitution is the exchange of an existing hazardous material for a less-hazardous, non-hazardous material or environmentally preferred product that meets the same mission requirement. Marine Corps installations will charter an AUL working group (WG) comprising, at a minimum, representatives from logistics, environmental, safety, and industrial hygiene and include representatives from tenants (MSC/MEF/MFR G4) to serve as ad hoc or active participants. An

AUL WG manager shall be appointed from the logistics division to administer and oversee the AUL WG. Each tenant command will appoint an AUL member and notify the installation commander of that appointment. The AUL tenant representative shall be a Staff or Senior Non-Commissioned Officer or officer to ensure sufficient authority to implement hazardous material requirements. Marine Corps installations' AUL WGs shall, at a minimum, annually review activity AULs to identify specific products leading to significant hazardous waste generation based on previous year's hazardous waste disposal.

A. Mission-essential, specification hazardous materials are documented in technical publications and assigned military specification requirements to meet mission requirements. Mission-essential, specification hazardous materials may only be substituted when less-hazardous, military specification products are available.

B. Mission-essential, non-specification hazardous materials may be documented in technical publications but have not been assigned as military specifications. Substitution for these products should be coordinated with the activity, and they should be replaced with less-hazardous products whenever possible.

C. Non-mission-essential hazardous materials are not documented in a technical publication and are ordered at the preference of the activity. Substitutions for less-hazardous products are at the discretion of the AUL WG and should be made whenever possible.

030206. Shelf-life Management

Unused or unopened expired hazardous material is a significant cost in annual hazardous waste disposal. Marine Corps activities shall manage shelf-life in accordance with MCO 4140.5a (Reference (f)). When expired hazardous material is generated as a result of improper activity management, activities will be responsible for processing and funding waste disposal at the discretion of the Marine Corps installation. The Marine Corps installation's methods for disposal may be used. Activity processing of waste may consist of draining, puncturing, triple-rinsing, crushing, and completing paperwork necessary for disposal.

030207. Reutilization

A. Marine Corps installations shall establish and implement hazardous material reutilization programs (e.g., Reuse or Free Issue) to divert serviceable hazardous material from hazardous waste generation. Reutilization programs shall be incorporated into virgin hazardous material procurement chains and shall be the first source of supply for all military and civilian activities aboard installations.

B. Acceptance of hazardous material into the reutilization program is at the discretion of the installation. If hazardous material is accepted into the reutilization program, the activity will no longer be responsible for processing and funding waste disposal once the hazardous material service life has ended.

C. Reutilization stock may be acquired through the following methods:

1. Activities may submit unused hazardous material to the reutilization program. If an activity identifies the need for hazardous materials is no longer valid and the hazardous material is serviceable, the hazardous material may be offered to the reutilization program for use by other activities.

2. Installations may remove hazardous materials for activities that are unauthorized or exceed AUL storage limits.

3. Installations may review hazardous material for extended or alternate use capabilities.

4. Personal/household hazardous materials may be accepted at the discretion of the installation.

030208. Exclusions

A. Ammunition, explosives, nuclear, radioactive or biological hazardous material or hazardous waste, in-theater wartime operations, and pharmaceuticals are excluded from hazardous waste minimization requirements.

B. Marine Corps forces that are a tenant on other service/agency installations should coordinate with the host-installation regarding their hazardous waste minimization programs. If no host-installation program exists, activities should propose such a program to their host and incorporate hazardous waste minimization into their business practices.

030209. Pollution Prevention

Marine Corps installations and units shall reduce the use of hazardous material, the generation or release of pollutants, and the adverse effects on human health and the environment. Effective life-cycle management is critical to achieving pollution prevention goals by minimizing hazardous waste generation and subsequent disposal costs. Marine Corps units shall consider sustainable, formerly known as “green,” products first in all hazardous material procurement.

0303 IDENTIFICATION

Federal regulations state that a waste is considered a hazardous waste if it is a listed hazardous waste; exhibits at least one of four hazardous waste characteristics; is a military munitions designated as hazardous waste by the Designated Disposition Authority; and/or is a military munitions considered hazardous waste by regulation. Listed wastes, characteristic wastes, and hazardous waste military munitions are categorized using applicable EPA/state hazardous waste identification numbers. When identifying hazardous waste, also consult state and local regulations. States shall adopt a list of hazardous waste and characteristics for identifying hazardous waste that are equivalent to EPA’s list Part 271 of Title 40, Code of Federal Regulations (40 CFR 271) (Reference (g)).

030301. Listed hazardous wastes are located in several sections within 40 CFR 261 (Reference (h)) and are categorized into the following EPA hazardous waste numbers:

A. F Wastes

F Wastes (section 31 of Reference (h)) include wastes from common manufacturing and industrial processes, such as solvents that have been used in cleaning or degreasing operations, and includes non-source-specific waste.

B. K Wastes

K Wastes (section 32 of Reference (h)) include certain wastes from specific industries, such as petroleum refining or pesticide manufacturing, and includes source-specific waste.

C. P Wastes

P Wastes (section 33 of Reference (h)) include specific commercial chemical products in an unused form, including acutely hazardous discarded commercial chemical products, off-specification products, container residues, and spill residues thereof.

D. U Wastes

U Wastes (section 33 of Reference (h)) include specific commercial chemical products in an unused form, including toxic discarded commercial chemical products, off-specification products, container residues, and spill residues thereof.

030302. Characteristic hazardous wastes are designated with EPA waste numbers beginning with the letter “D” and are described in sections 20 through 24 of Reference (h). They are identified as follows:

A. Ignitable Wastes (D001)

Ignitable wastes (section 21 of Reference (h)) can create fires under certain conditions, are spontaneously combustible, or have a flash point less than 60 °C (140 °F) (e.g., waste oils and used solvents).

B. Corrosive Wastes (D002)

Corrosive wastes (section 22 of Reference (h)) are acids or bases with a pH less than or equal to 2, or greater than or equal to 12.5, that are capable of corroding metal containers, such as storage tanks, drums, and barrels (e.g., battery acid).

C. Reactive Wastes (D003)

Reactive wastes (section 23 of Reference (h)) are unstable under “normal” conditions. They can cause explosions, toxic fumes, gases, or vapors when heated, compressed, or mixed with water. Reactive wastes have any of the following properties:

1. Unstable and readily undergo violent change without detonating.
2. React violently with water.
3. Form potentially explosive mixtures with water.
4. Generate toxic gases when mixed with water.
5. Cyanide- or sulfide-bearing and capable of generating toxic gases when exposed to pH conditions between 2 and 12.5.
6. Capable of detonation or an explosive reaction when exposed to a strong initiating force or when heated under confinement.
7. Capable of detonation or an explosive decomposition reaction in normal room conditions.
8. Are forbidden explosives as defined in section 173.54 of 49 CFR 100 to 185 (Reference (i)) or Division 1.1, 1.2, or 1.3 explosives as defined in section 173.50 of Reference (i).

D. Toxic Wastes (D004 - D043)

Toxic wastes (e.g., those containing mercury or lead) (section 24 in Reference (h)) are harmful or fatal when ingested or absorbed and when land disposed may leach into the groundwater. Toxicity is defined through the Toxicity Characteristic Leaching Procedure (EPA Method 1311). Section 24 in Reference (h) describes the list of contaminants, allowable levels, and corresponding D Waste numbers.

030303. Emission residues from air pollution control equipment and biosolids from wastewater treatment plants may display hazardous waste characteristics; therefore, these residues and biosolids shall be evaluated to determine whether they are hazardous waste and, if so, they shall be managed appropriately. Toxicity is the most common characteristic of these residues and biosolids.

030304. Several pesticides exhibit toxic waste characteristics; therefore, installations need to identify whether the waste pesticides and pesticide waste products (e.g., containers, rinsate) are hazardous waste or are universal waste (UW) as defined by section 9 in Reference (h). If not UW, these wastes shall be disposed of and managed as hazardous waste.

030305. Mixtures of a non-hazardous waste and listed hazardous waste are also considered listed hazardous waste and shall be managed appropriately. An example of such a mixture is 1,1,1-trichloroethane (TCA) mixed with used oil. Because TCA is listed at Reference (h), the entire mixture becomes hazardous waste.

030306. Mixtures of a non-hazardous waste and a characteristic hazardous waste are regulated as hazardous waste only if the entire mixture exhibits one of the four hazardous characteristics.

030307. Wastes derived from the treatment, storage, or disposal of listed hazardous wastes (except precipitation run-off) are hazardous waste. Examples of these “derived from” hazardous wastes include biosolids, spill residue, ash, emission control dust, or leachate produced as a result of managing hazardous waste. These wastes shall be managed as hazardous waste.

030308. Wastes that are either mixtures of characteristic hazardous waste and non-hazardous waste or derived from the treatment, storage, or disposal of characteristic hazardous waste are not considered hazardous waste if they no longer exhibit one of the four hazardous waste characteristics. This exemption applies only to characteristic hazardous waste; listed hazardous waste, either mixed or derived from managing hazardous waste, is still hazardous waste.

030309. Low-Level Mixed Waste (LLMW) is a mixture of hazardous waste and low-level radioactive waste. LLMW stored and treated in approved tanks or containers is exempt from regulation as hazardous waste under RCRA authority as long as the management of such waste is regulated by the Nuclear Regulatory Commission. LLMW that is not managed under this Commission’s authority or not treated or stored in tanks or containers is still regulated as a RCRA hazardous waste (subpart N of 40 CFR 266 (Reference (j))).

030310. Due to the regulations summarized above, it is extremely important to segregate waste streams, both hazardous and nonhazardous, to avoid the added expense of managing hazardous waste when it can be avoided through proper segregation. Segregation of these waste streams is beneficial, resulting in volume reduction, cost savings for disposal, and avoidance of unnecessary recordkeeping (DoD Directive 4145.19-R-1 (Reference (k)) and MCO 4450.12A (Reference (l))).

#### 0304 GENERATION

030401. Monthly generation rates, accumulation times, and accumulation quantities for hazardous waste generators are established at Reference (h) and 40 CFR 262 (Reference (m)). EPA Form 8700-12 is required for submittal by new Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs). The requirements are summarized as follows:

A. Conditionally Exempt Small Quantity Generators (CESQGs) generate no more than 100 kilograms (kg) (approximately 220 pounds (lb)) of hazardous waste and less than 1 kg (approximately 2.2 lb) of acute hazardous waste per month and accumulate no more than 1,000 kg (approximately 2,200 lb) of hazardous waste onsite at any given time. CESQGs are exempt from all hazardous waste management regulations except hazardous waste identification and disposal requirements. A log book is required as part of the site’s operating record to document waste generation and defend this generator status.

B. SQGs generate greater than 100 kg (approximately 220 lb) and less than 1,000 kg (approximately 2,200 lb) of hazardous waste per month and accumulate no more than 6,000 kg (approximately 13,200 lb) of hazardous waste onsite at any given time. SQGs are subject to

limited hazardous waste management regulations, which include obtaining an identification number from EPA or the authorized state, properly maintaining hazardous waste storage containers and tanks, using the most recent EPA form to ship wastes offsite, limiting onsite accumulation to 180 days (270 days if the waste has to be shipped more than 200 miles), and properly disposing of hazardous waste.

C. LQGs generate 1,000 kg (approximately 2,200 lb) or more of hazardous waste per month. LQGs are subject to more stringent hazardous waste management regulations. Paragraph 030502 of this Volume describes accumulation requirements.

030402. If any of the generation quantities outlined in paragraphs 030401.A and 030401.B of this Volume are exceeded, then the generator is considered to be an LQG and is subject to more stringent hazardous waste management regulations. If any of the accumulation quantities or periods outlined in paragraphs 03040a.A through 030401.C of this Volume are exceeded, then the generator is the operator of a storage facility and shall apply for a RCRA part B permit to remain in operation.

030403. Before offering hazardous waste for transport offsite, the hazardous waste generator shall ensure that all DOT requirements for labeling, marking, placarding, and containerizing are met. The hazardous waste generator shall also ensure that the transporter has obtained an EPA identification number for the transportation of hazardous waste and that a UHWM or state equivalent accompanies each shipment. Refer to paragraphs 0310 and 0311 of this Volume for reporting and recordkeeping requirements regarding UHWM and hazardous waste generation.

030404. Generators shall send their hazardous waste to permitted treatment, storage, and disposal facilities (TSDFs) that comply with hazardous waste regulations. Generators shall certify that the facility selected to receive the waste employs the most practical and current treatment, storage, or disposal methods for minimizing present and future threats to human health and the environment. Defense Logistics Agency (DLA) Disposition Services and their local sites usually perform this function for DoD generators.

030405. Generators shall certify that they have developed and implemented waste minimization programs at their areas as part of the UHWM requirements. LQGs shall certify that these programs are capable of reducing the volume, quantity, and toxicity of the generator's waste as a part of their biennial report to EPA. SQGs shall certify that they have made a good faith effort to minimize waste generation and selected the best waste management method based on availability and affordability. Waste minimization reporting is also required by section 13106 of 42 U.S.C. §133 (Reference (n)) as it amended section 313 of Public Law 99-499, "Superfund Amendments and Reauthorization Act," (Reference (o)). For hazardous waste military munitions, the goals of hazardous waste minimization have been incorporated into the Marine Corps military munitions disposition process (see Volume 21 paragraph 0303 of this Manual).

## 0305 MANAGEMENT

030501. Hazardous Waste Management Plans (HWMPs)



Section F in chapter 10 of DoD Directive 4160.21-M (Reference (p)) directs each installation to develop an HWMP that includes input from all the Marine Corps commands/units and tenants on the installation. This plan identifies and implements hazardous waste management actions required by Reference (a) and/or by authorized state hazardous waste programs and provides the procedures and responsibilities on proper hazardous waste management. The plan shall be signed by the installation commanding general or commanding officer (CG/CO) and distributed to all personnel (including all Marine Corps commands/units and tenants) who accumulate, generate, transport (including on-installation transportation), treat, store, or dispose of hazardous waste for their compliance. The plan shall be reviewed and updated whenever installation/facility conditions or operations affecting hazardous waste accumulation, generation, transportation, treatment, storage, or disposal change. The plan shall include, at a minimum, the following:

- A. A list of EPA/state identification numbers for generating, transporting, storing, treating, or disposing of hazardous waste as applicable.
- B. Procedures to ensure that hazardous waste remains at a 90-day accumulation area for no more than 90 days.
- C. For each activity that generates hazardous waste, the type and average quantity of hazardous waste for each activity generating hazardous waste, to include all Marine Corps commands/units and tenant activities.
- D. A description of waste minimization and source reduction projects, including those described in paragraph 0302 of this Volume, funds available for such projects, and goals to reduce the use of toxic and hazardous chemicals and materials that generate hazardous waste and to purchase lower risk chemicals and toxic materials from top priority lists Council on Environmental Quality, “Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade,” June 10, 2015 (Reference (q)).
- E. The location of all 90 day hazardous waste accumulation areas (e.g., satellite accumulation areas (SAAs), UW areas, used oil areas) and TSDFs.
- F. A waste analysis plan developed in accordance with section 13(b) in 40 CFR 264 (Reference (r)), as applicable.
- G. Procedures for self-inspecting hazardous waste accumulation areas (e.g., SAAs, UW areas, and used oil areas) and TSDFs. Such inspections shall address all hazardous waste activities at the areas and/or facilities inspected, including but not limited to whether containers are closed, containers are marked to indicate content and accumulation start date, and self-inspection records are maintained.
- H. Procedures to prevent unauthorized access to hazardous waste accumulation areas (including SAAs and hazardous waste military munitions storage areas granted conditional exemption (CE)) and TSDFs.
- I. Procedures to temporarily treat, store, or dispose of hazardous waste if existing facilities are not available.

J. The Spill Prevention, Control, and Countermeasure Plan or National Oil and Hazardous Substances Pollution Contingency Plans, or references to these plans as defined in Volume 7 of this Manual unless combined in an Integrated Contingency Plan.

K. A section on the management of hazardous waste military munitions to include management of responses to explosives or munitions emergencies.

L. A section on waste stream management, including but not limited to UW, used oil, fluorescent bulbs (i.e., lamps), asbestos, absorbents, empty hazardous material/hazardous waste containers, and hazardous waste minimization.

M. The following information may be incorporated directly into the HWMP or may be referenced in the plan and maintained in the Environmental Office (and available by request). This information will need to be authorized in writing by the CG/CO (or by direction).

1. List of personnel authorized to sign manifests.
2. Procedures and responsibilities for the installation, Marine Corps commands/units and tenants, and personnel for generating, transporting, storing, treating, or disposing of hazardous waste. Written job titles and job descriptions of each person conducting hazardous waste management activities at each hazardous waste facility.
3. References and installation points of contact (POCs) for obtaining information on hazardous waste management and POCs for EPA and state officials administering the hazardous waste program.
4. A description of the training program to ensure that all applicable personnel are instructed in federal, state, local, and Marine Corps requirements for hazardous waste management. The description shall include provisions for ensuring that all hazardous waste management personnel have received introductory and refresher training and that all training records are properly documented and maintained. Records containing Personally Identifiable Information (PII) will be maintained in accordance with the Privacy Act (5 U.S.C. 552a) and SECNAVINST 5211.5E (i.e. training, fit testing, medical monitoring, and potential exposure records).

030502. Accumulation and Storage of Hazardous Waste by Large Quantity Generators (LQGs)

As stated in paragraphs 030401 and 030402 of this Volume, the applicability of specific RCRA accumulation and storage requirements depends on the amount of waste that is generated in a calendar month. For LQGs, there are three types of hazardous waste accumulation/storage areas: satellite, 90-day, and permitted. The regulatory requirements differ for each type. It is not a requirement to use all three types of areas. For example, hazardous waste can be accumulated at a SAA and later transferred to a permitted storage area. Each installation should set up the appropriate number and type of accumulation and storage areas necessary to manage its hazardous waste properly. Paragraphs 030502.A through 030502.C of this Volume provide a description of the three types of hazardous waste accumulation or storage areas and the corresponding regulatory requirements.

A. Satellite Accumulation Areas (SAAs)

These are areas where hazardous waste is at or near the point of generation and under the control of the operator. In order to manage SAAs effectively and to prevent waste stream contamination, hazardous waste container access shall be restricted to authorized personnel only. Although not required for CESQGs, it is good practice to place spill control and emergency equipment (e.g., eyewash, fire extinguisher) near an SAA. The other requirements for operating an SAA are:

1. Each container shall be in good condition, compatible with the hazardous waste, and marked with the words “Hazardous Waste” or other words that identify the contents of the container.
2. Each container shall be kept closed at all times except when adding or removing hazardous waste.
3. Generators may accumulate up to 55 gallons (gal) (approximately 208 liters (L)) of hazardous waste or 1 quart (approximately 1 L) of acute hazardous waste at a SAA for an indefinite amount of time or in accordance with state regulations. These quantity limits are for the total amount of hazardous waste or acute hazardous waste at the site, not for each waste stream at the site, unless state regulations allow for accumulation quantity exceptions. For example, 55 gal (approximately 208 L) of one waste stream is allowed. Thirty gal (approximately 136 L) of one waste stream and 25 gal (approximately 114 L) of another waste stream are also allowed. However, 55 gal (approximately 208 L) of one waste stream and 55 gal (approximately 208 L) of another are not allowed.
4. When 55 gal of hazardous waste (or 1 qt of acutely hazardous waste) is reached in an SAA, the generator shall date the container(s) and move any excess waste to a 90-day or 180-day area within 72 clock hours of filling the container (section 34(c)(2) of Reference (m)). Unless the container is moved immediately, the generator needs to re-date the container so that it can be moved offsite within 90 or 180 days of the date the container was moved (sections 34(a)(2) and 34(d)(4) of Reference (m), respectively). This means that an LQG has up to 93 days and an SQG has up to 183 days for onsite accumulation once 55 gal of hazardous waste (or 1 qt of acutely hazardous waste) has been exceeded at the SAA.
5. There is no federal requirement for full containers of hazardous waste to be removed from an SAA within 3 days of being filled. Only the excess of 55 gal of hazardous waste (or the excess of 1 qt of acutely hazardous waste) shall be removed within 3 days.

B. 90-day Accumulation

These areas are used to store hazardous waste temporarily until it is either shipped offsite for disposal or transferred to a permitted storage facility. Hazardous wastes at these areas may be accumulated for up to 90 days. (Note: For WMM, storage shall also meet the requirements of DoD 6055.9-STD (Reference (s)) and DoD Ammunition and Explosives Safety Standards, as specified in Reference (j) and Volume 21 of this Manual).

1. Each container shall be in good condition, compatible with the hazardous waste, and marked with the words “Hazardous Waste” and the accumulation start date.
2. Each container shall be closed at all times except when adding or removing hazardous waste.
3. The site shall be inspected at least weekly, as defined by that state’s regulatory agency, for container leaks, deterioration of containers, open containers, and condition of emergency response and spill control equipment.
4. Containers holding ignitable or reactive waste shall be located at least 15 meters (m) (50 feet (ft)) inside the accumulation site’s boundary.
5. Incompatible wastes shall not be placed in the same container and shall meet the requirements of section 17 in 40 CFR 265 (Reference (t)).
6. Incompatible hazardous waste or hazardous material shall be separated by a berm, dike, wall, or other device.
7. Containers with a capacity greater than 0.1 cubic meters (m<sup>3</sup>) (approximately 26 gal) that are used to store, treat, or dispose of hazardous waste shall meet the air emission standards of subpart CC of References (r) and (t).
8. Areas shall be maintained, operated, and equipped to meet preparedness and prevention requirements outlined in subpart C of References (r), (m) and (t).
9. A contingency plan and emergency procedures shall be developed for each site as outlined in subpart D of References (r) and (t).
10. Personnel responsible for the site shall be trained in the proper handling of hazardous waste (subpart B of References (r) and (t)).
11. As part of the effort to minimize the possibility of releases to the environment, secondary containment should be provided for liquid hazardous waste stored at these areas.
12. If the site uses tanks to store hazardous waste, then the requirements of subpart J of References (r) and (t) shall be met.
13. If the site uses tanks with a capacity greater than 0.1 m<sup>3</sup> (approximately 26 gal) to store, treat, or dispose of hazardous waste, then the air emission standards of subpart CC of References (r) or (t) shall be met.

C. Permitted Storage

This type of storage facility requires a RCRA part B permit. The permitting process is outlined in paragraph 0308 of this Volume. Storage requirements will be specified in the facility's permit.

D. Storage of Cathode Ray Tubes

The storage of electronic equipment with used, broken cathode ray tubes is conditionally excluded from hazardous waste requirements in section 39 of Reference (h) if they are undergoing recycling. Cathode ray tubes from the installations are handled through DLA Disposition Services and their local site. (See Volume 17 of this Manual).

030503. Accumulation and Storage of Hazardous Waste by Small Quantity Generators (SQGs)

SQG generation and accumulation criteria apply to the installation as a whole, not to individual accumulation or generation areas. Accumulation and storage requirements for SQGs are comparable to but not as stringent as 90-day accumulation areas. Key requirements are:

- A. The accumulation time limit is 180 days unless the TSDF to which hazardous waste will be transported for disposal is greater than 200 miles; in which case, the accumulation time is 270 days.
- B. Requirements identified in paragraphs 030502.B.1 through 030502.B.5 of this Volume for 90-day accumulation areas shall be met.
- C. An emergency coordinator shall be onsite or on call at all times.
- D. Preparations for responses to spills and other emergencies shall be made, including posting emergency response telephone numbers, providing and identifying locations of fire extinguishers and spill control equipment, and familiarizing all employees with proper waste handling and emergency response procedures appropriate to the site.

030504. Accumulation and Storage of Hazardous Waste by Conditionally Exempt Small Quantity Generators (CESQGs)

CESQGs are not subject to the accumulation and storage requirements of federal regulations. State requirements, reasonable safety precautions, and requirements for SAAs should be considered when establishing accumulation and storage practices on installations that qualify as CESQGs. While there are no federal labeling requirements for CESQGs, 29 U.S.C. 651 et seq. (also known and referred to in this Order as "Occupational Safety and Health Act" ((Reference (u) requires labels on all containers. Storage containers should not be leaking, bulging, rusted, or incompatible with the waste stored in them. If a CESQG treats or disposes of hazardous waste onsite, the installation's TSDF shall be fully permitted to handle hazardous waste; be a facility that uses, reuses, or legitimately recycles the waste (or treats the waste prior to use, reuse, or recycling); and should be a

UW handler or destination facility subject to the UW requirements of 40 CFR 273 (Reference (v)). However, when the CESQG reaches the 1,000-kg (approximately 2,200-lb) threshold, the time requirements for SQGs become applicable (see paragraphs 030401.A and 030401.B).

030505.        Management of Used Oil

A.        In some states, used oil is considered a hazardous waste and shall be managed as directed by state regulations.

B.        Non-hazardous used oil that is mixed with polychlorinated biphenyls (PCBs) and is less than 50 parts per million (ppm) PCBs may be managed as RCRA used oil in accordance with 40 CFR 279 (Reference (w)). However, used oil that contains more than 50 ppm PCBs shall be managed as a Toxic Substances Control Act waste under 40 CFR 761 (Reference (x)) (see Volume 19 of this Manual) and cannot be diluted to reduce the PCB concentration.

C.        Used oil contaminated with hazardous waste shall be managed as a hazardous waste, unless the generator is a CESQG as defined by Reference (h). CESQG hazardous waste that has been mixed with used oil with the intent of being recycled (either by burning for energy recovery or other processes) can still be managed as used oil in accordance with Reference (w).

D.        If used oil is used for on-site energy recovery, the generator shall demonstrate that the oil is “on-specification” (i.e., does not exceed EPA-defined allowable levels defined by part 11 of Reference (w)) and maintain records of analysis for at least three years.

E.        Storage of used oil is subject to the requirements of 40 CFR 112 (Reference (y)), or if stored in a UST, 40 CFR 280 (Reference (z)), and is outlined in Volume 7 of this Manual.

0306    **TRANSPORTATION**

030601.        Defense Logistics Agency (DLA) Disposition Services

The Marine Corps normally contracts, via DLA Disposition Services, with private transporters to ship hazardous waste offsite for recycling, treatment, storage, or disposal. The Marine Corps generator and DLA Disposition Services are responsible for ensuring that the transporter meets all federal, state, and/or local hazardous waste transportation regulations and all explosives safety requirements, as applicable.

030602.        Policies and Procedures

Reference (l) provides policies, procedures, and responsibilities for receipt, storage, transportation, and handling of hazardous materials and hazardous wastes. This document is published by the Marine Corps, DLA, and the other military services. The provisions in Reference (l) are applicable to all installations under the command and control of the Secretary of Defense.

030603.        Right-of-Way

Transport of hazardous waste on a public or private right-of-way that is within or alongside the boundary of an installation does not require a UHWM. State and local regulations concerning the transportation of hazardous waste on a public roadway within or adjacent to an installation boundary may be more stringent than Reference (m) and may require the use of a UHWM. In the event of release of hazardous waste on a public or private right-of-way, the transporter shall meet the requirements of sections 30 and 31 of 40 CFR 263 (Reference (aa)) for immediate action and cleanup.

030604.        Uniform Hazardous Waste Manifest (UHWM) Requirements

A.        All hazardous waste transported from an installation over public roads shall be accompanied by a UHWM prepared and signed by the hazardous waste generator unless otherwise exempted by paragraph 030603 of this Volume. Each transporter and the owner or operator of the receiving TSDF shall sign the UHWM and keep a record copy. The receiving TSDF returns a copy of the signed UHWM to the hazardous waste generator. In some cases, disposal contracts may specify a single contractor responsible for support to the generator and transporter as the preparer of the UHWM. Refer to paragraphs 0310 and 0311 of this Volume for reporting and recordkeeping requirements regarding UHWM and hazardous waste generation (pursuant subparts A through D of Reference (m), Reference (aa), and Standard Subject Identification Code (SSIC) 5090.2a-d in SECNAV M-5210.1 (Reference (ab))).

B.        If DLA Disposition Services is managing the disposal of hazardous waste for the installation, the hazardous waste shall be accompanied by the most recent Disposal Turn-in Document and Hazardous Waste Profile Sheet unless a current profile sheet is already on file when DLA Disposition Services accepts custody. DLA Disposition Services prepares the UHWM upon receipt of hazardous waste. The hazardous waste generator shall review the UHWM for accuracy and sign as authorized by the installation CG/CO.

C.        Installations shall include a 24-hour manned duty telephone number in block 3 on each UHWM.

0307    DISPOSAL

030701.        Within the DoD, the responsibility for the disposal of hazardous material and hazardous waste is split between the military services and DLA. Reference (p) promulgates consolidated guidance regarding hazardous material and hazardous waste disposal, and DoD Instruction 4715.6 (Reference (ac)) outlines DLA Disposition Services' responsibility for the disposal of hazardous waste for DoD.

030702.        For the disposal of hazardous waste generated from an installation's routine operations, generators shall coordinate with DLA Disposition Services or their local site to ensure that transporters are on the approved DoD list and that these transporters are permitted for "cradle-to-grave" management of hazardous waste. For cleanup operations, installations should coordinate with EPA, the states (with authorized hazardous waste programs), and the Corps of Engineers to ensure transporters are in compliance with all applicable regulations. Questions on this process should be addressed to the local site or DLA Disposition Services.

030703. DLA has been designated the responsible agency for the worldwide disposal of all hazardous material and hazardous waste with the exception of the nine categories of materials described below:

A. Toxicological, biological, radiological, and lethal chemical warfare materials, if required by United States law to be destroyed. Disposal of the byproducts of such materials is the responsibility of the DoD installation with assistance from DLA.

B. Material that cannot be disposed of in its present form because of military regulations (e.g., controlled medical items and military munitions items requiring demilitarization). This category includes instances when military regulations require the obliteration of all markings that could relate excess material to its operational program. Once the appropriate actions are taken to meet the military regulation, the resulting material can then be disposed of through DLA.

C. Municipal-type garbage, trash, and refuse, resulting from residential, institutional, commercial, agricultural, and community activities. This material can be disposed of in a state or local permitted municipal solid waste landfill.

D. Contractor-generated materials that are the contractor's responsibility for disposal under the terms of the contract. The hazardous waste identification number holder (normally the installation commander) shall maintain appropriate control of these materials or wastes and assure that they are transported and disposed of in compliance with federal and state requirements.

E. Biosolids and residues resulting from municipal-type wastewater treatment facilities.

F. Biosolids and residues generated as a result of industrial plant processes or operations. Properly identified industrial process biosolids and residues that are not commingled or a product of an industrial waste treatment facility are the responsibility of DLA. DLA does take biosolids and residues from industrial processes that have not been commingled. For example, biosolids and residues from industrial process "A" shall be collected and stored separately from biosolids and residues resulting from industrial process "B." Each process may result in biosolids and residue contamination, but the biosolids and residues from each process shall be collected and stored separately.

G. Refuse and other discarded materials that result from mining, dredging, construction, and demolition operations.

H. Unique wastes and residues of a nonrecurring nature generated by research and development experimental programs.

I. Wastes and residues (including contaminated soil) resulting from site cleanups associated with long-term, widespread contamination of the environment. This category includes wastes and residues from installation restoration efforts.



030704. On a case-specific basis, the local DLA Disposition Services may be able to arrange disposal of the above categories of hazardous waste. For cleanup operations, installations should coordinate with EPA, the states (with authorized hazardous waste programs), and the Corps of Engineers to ensure transporters are in compliance with all applicable regulations. Contact the local DLA Disposition Services for more information on the availability of this service.

030705. When using DLA hazardous waste disposal services, the Marine Corps shall reimburse DLA pursuant to procedures established by DLA and the Comptroller of the Navy (Reference (p)).

030706. Use of DLA Disposition Services is the preferred method of disposal. However, Marine Corps CGs/COs have authority to contract directly for hazardous waste disposal if necessary to:

- A. Comply with hazardous waste regulations.
- B. Improve efficiency.
- C. Produce economic benefits.

D. Allow successful accomplishment of the Marine Corps official mission as set forth in Public Law 80-235, "National Security Act of 1947," (Reference (ad)), as amended by Public Law 81-216, "National Security Act Amendment of 1949," (Reference (ae)).

030707. A decision not to use DLA Disposition Services for hazardous waste disposal may be made in accordance with DoD Directive 4001.1 (Reference (af)) to best accomplish the installation mission, and shall be concurred with by the component chain of command to ensure all aspects of the procurement (e.g., contract, technical specification, disposal criteria, quality assurance, and quality control plan) are at least as stringent as those used by DLA Disposition Services. DLA Disposition Services should be first afforded the opportunity to redress any operational difficulties in providing service. DLA Disposition Services may request information from the military services, to include lists of facilities doing their own hazardous waste disposal contracting, including the type of commodities handled and prices paid (Reference (p)). See Appendix B, Procedure to Implement Waiver of Requirement to Use DLA Disposition Services, for information on the use of outside sources other than DLA for hazardous waste disposal.

030708. Land Disposal Restrictions (LDRs). EPA has promulgated LDRs limiting or prohibiting the land disposal of certain hazardous wastes by specific dates. Treatment standards for each waste were also set to substantially reduce the toxicity or likelihood of hazardous waste migration. Wastes that meet the treatment standards, or for which there will be no migration of hazardous constituents for as long as the wastes remain hazardous, may be land disposed. 40 CFR 268 (Reference (ag)), lists the specific hazardous wastes prohibited from land disposal and the effective dates of the prohibitions. Generators of hazardous waste shall take the following steps to ensure that the requirements of the LDRs are met:

A. Determine if the waste is a solvent containing hazardous waste or a dioxin-containing waste, listed on the California Waste List, or identified as a Third Third waste 40 CFR

148.16 (Reference (ah)). Third Third wastes may continue to be disposed of if LDR treatment standards have been met.

B. If the hazardous waste is restricted and does not meet the established treatment standard, a written notice shall accompany each shipment of the waste, notifying the TSDF of the appropriate treatment standards that shall be met before land disposal of the hazardous waste can take place.

C. If the hazardous waste is restricted and meets the established treatment standards, a written certification of this fact shall accompany each shipment of the waste to the TSDF. In this case, further treatment of the hazardous waste is not required prior to land disposal.

D. If restricted hazardous wastes are being treated onsite to meet the established treatment standards, a written waste analysis plan shall be developed describing the procedures used to comply with the treatment standards. The plan shall be filed with EPA or the authorized state at least 30 days prior to commencing the onsite treatment process.

E. Records of all notices, certifications, demonstrations, waste analysis data, and other documentation produced to satisfy the LDR requirements shall be kept onsite for 3 years after the date the hazardous waste was sent to a TSDF (section 7(a)(8) of Reference (ag)). These records shall be retained pursuant to SSIC 5090.2b in Reference (ab).

030709. Host Installation and Marine Corps Commands/Units and Tenants Activities hazardous waste Disposal.

A. Marine Corps installations are responsible for obtaining EPA identification numbers and TSDF permits. However, much of the hazardous waste generated at installations is the result of Marine Corps commands/units and tenants, including training exercises. Therefore, it is important for host installations and Marine Corps commands/units and tenants to agree upon their individual responsibilities with respect to the overall base hazardous waste management program. The following paragraph discusses Marine Corps policy regarding hazardous waste management responsibilities of host and Marine Corps commands/units and tenants. (See Volume 2 of this Manual for more information on coordination between environmental managers and Marine Corps commands/units and tenants).

B. Marine Corps policy requires that Inter-Service Support Agreements or equivalent agreements include responsibilities of both parties (host and commands/units and tenants) for the hazardous waste management program. Minimum topics to include in these agreements are funding for hazardous waste management and disposal, accumulation and storage, hazardous waste generation, hazardous waste coordinator designation, hazardous waste training, and hazardous waste minimization (i.e., use of pollution prevention techniques).

C. Contractors working on base shall comply with paragraphs 030709.A and 030709.B of this Volume. Those writing statements of work shall ensure that contracts include language requiring compliance with the applicable requirements of this Manual.

0308 TREATMENT, STORAGE, AND DISPOSAL FACILITIES (TSDFs)

EPA developed a two-part permitting procedure for TSDFs (subpart B of 40 CFR 270 (Reference (ai))) as outlined in the following two paragraphs:

030801. The part A permit requires submittal of EPA Form 8700-23 and confers interim status on an existing TSDF, allowing the installation to continue operations. Interim status can only be conferred on TSDFs for which construction commenced on or before 19 November 1980. Any TSDFs that did not have a part A permit as of 8 November 1988 shall obtain a part B permit before commencing operations.

030802. The part B permit confers final approval to operate TSDFs. The application for the part B permit is detailed, requiring location maps, engineering drawings, operating procedures, waste analysis plans, contingency plans including emergency procedures, and other items. The part B application is reviewed and approved by the cognizant regulatory agency (usually the state). After approval, the part B permit shall be maintained to reflect accurately the latest operations at the TSDF. Prior to implementing major changes in operations (e.g., a new or modified treatment process, the generation of a new type of waste, new or modified storage site), the part B permit shall be updated subject to the review and approval of the cognizant regulatory agency (section 14 of Reference (ai)).

030803. Storage of Non-DoD hazardous waste on Marine Corps Property. Marine Corps activities, with few exceptions, are prohibited by law (10 U.S.C. §2692 (Reference (aj)) and Reference (p)) from storing, treating, or disposing of non-DoD hazardous waste onsite. In addition, Marine Corps policy prohibits hazardous waste generators and TSDFs from accepting non-DoD hazardous waste from offsite. Subject to Reference (aj) specific requirements, some general exceptions to this rule are the following:

A. Storage, treatment, or disposal of materials that will be, or have been, used in connection with a DoD activity or in connection with a service to be performed on a Marine Corps installation or for the benefit of the Marine Corps (e.g., foreign military munitions that are not returned to the country of origin).

B. Storage of strategic and critical materials in the national defense stockpile.

C. Temporary storage or disposal of explosives to protect the public or to assist federal, state, or local law enforcement agencies in storing or disposing of explosives when no alternative solution is available.

D. Temporary storage or disposal of explosives in order to provide emergency lifesaving assistance to civil authorities.

E. Disposal of excess explosives produced under a DoD contract after determining that feasible alternatives are not available.

F. Temporary storage of nuclear materials or nonnuclear classified materials under agreement with the U.S. Department of Energy.

- G. Storage of military resources for use in peacetime civil emergencies.
- H. Temporary storage of materials of other federal agencies during transportation emergencies.
- I. Storage of material that is not owned by DoD if the material is required or generated in connection with the authorized and compatible use by that person of a DoD industrial-type facility, including for testing material and personnel training.
- J. Storage of hazardous waste by a non-DoD tenant organization if there is an approved, written agreement between the host and the non-DoD organization that addresses the storage, treatment, and disposal of the non-DoD organization's hazardous waste, such as in an emergency lifesaving assistance to civil authorities or the temporary storage or disposal of munitions that otherwise would pose a risk to national security.

#### 0309 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) CORRECTIVE ACTION

030901. Corrective Action is a federal program under Reference (a) that was issued to address the cleanup at facilities where a release of hazardous waste or hazardous constituents into soil, ground water, surface water, or air has occurred. TSDFs shall evaluate the nature and extent of releases of hazardous waste or constituents; evaluate facility characteristics; and identify, develop, and implement appropriate corrective measures to protect human health and the environment. TSDFs are responsible for releases at or from their facilities, regardless of when the releases occurred. EPA or the state will issue a Corrective Action Order to the TSDF if a Corrective Action needs to be conducted. This Order, either negotiated by the regulators and the facility or imposed by the court, contains a schedule, milestones, and cleanup levels.

030902. The regulatory authorities for Corrective Action at TSDFs are found in subpart F of Reference (r), which outline groundwater monitoring and response program requirements. Corrective Actions at interim status facilities are accomplished under RCRA statutory authorities, not regulatory authorities.

#### 0310 RECORDKEEPING

031001. LQG and TSDF owners/operators shall submit annual or biennial reports (EPA Form 8700-13 A/B) to the appropriate regional EPA office or cognizant state agency by March 1 of each even-numbered year or at such time as required by the state agency. A copy of each of these reports shall be kept for 3 years pursuant to SSIC 5090.2a in Reference (ab). LQG and TSDF owners/operators should check state reporting requirements, which may be more stringent.

031002. If an LQG has not received a return copy of the UHWM within 35 days of the date the hazardous waste was accepted by the initial transporter, the transporter and/or the owner/operator of the TSDF shall be contacted to determine the location of the hazardous waste and its status. An LQG shall provide an immediate exception report to the EPA regional or state regulatory authorities if the TSDF designated to receive the hazardous waste has not returned a copy of the UHWM with the handwritten signature of the TSDF owner/operator within 45 days of the date the hazardous waste was accepted by the initial transporter. A copy of each exception report filed

with the EPA or the state authority shall be kept for at least 3 years after the date of the report. These records shall be retained pursuant to SSIC 5090.2a in Reference (ab).

031003. Generators shall maintain the following records:

- A. Waste UHWM from offsite disposal (signed copies).
- B. Biennial reports to the EPA (LQGs only).
- C. LDR certificates for offsite disposal.
- D. Exception reports for non-receipt of UHWM signed by the offsite TSDF.
- E. Lab analyses or other records used to conduct waste determination (profiles).
- F. Hazardous waste training documentation.
- G. Storage site inspection reports (LQGs only).
- H. Hazardous waste contingency plan (LQGs only).

I. SQGs are exempt from the requirements listed in paragraph 031001 of this Volume. With regard to exception reporting (paragraph 031002 of this Volume), SQGs have 60 days after the date the hazardous waste was accepted by the initial transporter to notify the appropriate regulatory authority. SQGs are encouraged to determine the location of the hazardous waste and its status.

J. CESQGs are exempt from the requirements listed above in paragraph 031001 through 031003 of this Volume provided they do not exceed the HW generation quantities outlined in paragraph 030401.A of this Volume.

K. A closure plan for hazardous waste TSDFs, including ammunition supply points under a CE for hazardous waste military munitions storage. The closure plan should discuss how 90-day accumulation areas will meet the closure standards of sections 111 and 114 of Reference (t). If the TSDF is permitted, it shall include a closure plan for all hazardous waste management units. If the facility has interim status and closes before being fully permitted, 90-day accumulation areas shall comply with closure requirements in section 34 of Reference (o).

L. Additional reports required by state or local agency. Generators shall maintain an operator record or log including, at a minimum (section 73 in Reference (r)):

1. Description and the quantity of each hazardous waste received, and the method and date of treatment, storage, or disposal.
2. Location of each hazardous waste and the quantity at each location.
3. Monitoring, testing, or analytical data, and corrective action.

4. Records and results of waste analyses and waste determinations.
5. Summary reports and details of all incidents.
6. Records and results of inspections.

M. Records of test results or waste analyses shall be kept for 3 years after the date the hazardous waste was last manifested offsite pursuant to SSIC 5090.2b in Reference (ab).

N. Generators and transporters shall maintain a log of all UHWMs, including type of waste, quantity, shipped to, ship date, received date, and who signed the UHWM. They shall also retain a copy of the signed UHWM for 3 years after the date the hazardous waste was accepted by the initial transporter pursuant to SSIC 5090.2c in Reference (ab).

O. Records of all required inspections, including emergency equipment tests, at hazardous waste accumulation and storage areas shall be kept onsite and maintained for 3 years pursuant to SSIC 5090.2b in Reference (ab).

P. Records containing the initial shipment of the used oil from the installation shall be kept by the personnel who determined that the used oil met the fuel specification. Records shall be maintained for 3 years after the shipment pursuant to SSIC 5090.2c in Reference (ab).

Q. Records of all notices, certifications, demonstrations, waste analysis data, and other documentation produced to satisfy the LDR requirements shall be kept onsite for 3 years after the date the hazardous waste was sent to a TSDF (section 7(a)(8) of Reference (ag)).

R. Copies of all records should be sent to and maintained by the installation environmental office. Such records shall be maintained for a period of 3 years pursuant to section 40(c) of Reference (o) and SSIC 5090.2a-c in Reference (ab).

S. Installations will submit all Material Safety Data Sheet (SDS)/Safety Data sheets and AUL approvals for all HM (new and reused) to HQMC for inclusion into the Marine Corps' Enterprise hazardous material /hazardous waste Tracking System.

T. Installations shall record all hazardous waste data required for the Calendar Year Hazardous Waste Annual Data Call in the hazardous waste module on the EM Portal.

### 0311 REPORTING

031101. All commands shall establish policies and procedures to protect hazardous material inventories and hazardous waste inventories/records during natural disasters. These documents shall be presented in each command's natural disaster plan(s). This process serves to identify and quantify any losses caused by a natural disaster.

031102. All installations shall establish hazardous material AUL Work Groups and implement hazardous material AULs. An AUL is an approved list of hazardous material needed to meet the operational requirements of the Work Center. The AUL Work Group will include, but will

not be limited to, the following staff: logistics, supply/procurement, environmental, safety, and industrial hygiene.

031103. All installations in the customs territory of the United States shall comply with EPCRA Section 313. Additional guidelines and instructions for EPCRA compliance can be found in Volume 7 of this Manual.

031104. All installations shall submit the required Toxics Release Inventory (TRI) Report Form R to EPA. Additional guidelines and instructions for TRI reporting can be found in Volume 7 of this Manual.

031105. Installations with TSDFs may be required to develop RCRA Contingency Plans, depending on state regulations.

031106. As required by E.O. 13693, hazardous waste data for the previous calendar year will be submitted to Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center (EXWC) and Commandant of the Marine Corps, Facilities and Services Division (CMC (LF)/MCICOM (GF)) via the Navy Environmental (EPR) Portal in mid-March. Commanding Generals/Commanding Officers (CGs/COs) of Marine Corps installations and Commander, Marine Forces Reserve (COMMARFORRES) are responsible for the submittal of HW data via the EPR Portal, and CMC (LF)/MCICOM (GF) tracks Marine Corps progress using the calendar year data call. The Calendar Year Hazardous Waste Annual Data Call tracks the progress in meeting the DoD Measures of Merit Hazardous Waste goals and is used by OSD as part of Environmental Management Review (EMR) and Defense Environmental Programs Annual Report to Congress (DEP ARC).

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**VOLUME 9: CHAPTER 4**

**“RESPONSIBILITIES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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**CHAPTER 4**

**RESPONSIBILITIES**

0401 COMMANDANT OF THE MARINE CORPS (CMC) (LF)/COMMANDER MCICOM

CMC (LF)/Commander MCICOM shall:

040101. Provide support to Marine Corps installations and Marine Corps commands/units and tenants by interpreting federal, state, local hazardous waste regulatory requirements and by uniformly applying Marine Corps policy as set forth in this Manual.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040103. Represent the interests of Marine Corps installations in liaison with DLA Disposition Services to ensure adequate support in the disposal of hazardous waste.

040104. Conduct special environmental compliance and protection studies with regard to hazardous waste management to assist in establishing policies or initiating actions.

040105. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to hazardous waste regulations.

040106. Track Marine Corps progress toward meeting hazardous waste minimization goals, using the Calendar Year Hazardous Waste Annual Data Call.

0402 COMMANDANT OF THE MARINE CORPS (CMC) (LP)

CMC (LP) shall:

040201. Develop overarching policy for the life-cycle management of hazardous material.

040202. Maintain standardized AUL Form for Marine Corps installations.

0403 MARINE CORPS SYSTEMS COMMAND (MARCORSYSCOM)

Marine Corps Systems Command (MARCORSYSCOM) shall consider sustainable procurement in order to meet EO 13693 goals for reduction of toxic chemicals and hazardous material.

0404 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies.

Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

**0405 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES**

CG/CO of Marine Corps installations and COMMARFORRES shall:

040501. Authorized Use List (AUL) Program

A. Develop installation policy to establish and charter an AUL Work Group and require all Work Centers to establish an AUL.

B. Create and implement AULs at the Work Center level where hazardous material is ordered and used. AULs apply to all Marine Corps military, civilian activities, and contractors operating aboard the installation for more than 30 days in any fiscal year. Ensure incorporation of AUL policy compliance into mission statements and contracts for current and future contract support.

C. Ensure that Inter-Service Agreements and Inter-Service Support Agreements with tenant organizations are developed or updated to require compliance with this Manual.

D. Ensure that all staff involved in use, management, or procurement of hazardous material are familiar with the AUL concept and are operating their Work Centers using only hazardous material identified on the Work Center AUL.

E. Ensure that installation-level guidance to support this Manual is created and distributed. This guidance should include installation-specific processes and points of contact. AUL practices will be integrated into existing compliance and self-assessment practices.

040502. Reutilization Program

A. Develop installation plans to maintain a reutilization program that directs the reuse of serviceable hazardous material as the first source of supply for Marine Corps activities.

B. Ensure, to the greatest extent possible and within mission requirements, which new hazardous material are not purchased if an equivalent stock item is available to the activity through the reutilization program. If no reutilization program exists, establish a physical or virtual center. Physical facilities shall comply with storage and safety standards.

C. Ensure the real-time, or near real-time, publication of hazardous material reutilization inventory is available to installation activities. The publication will help activities understand what inventory is available, the location of available inventories, and how to obtain available reuse material.

D. Ensure all installation personnel who use, manage, procure, or provide oversight for hazardous material are trained on the installation reuse policy.

E. Ensure all opened hazardous material placed into reuse meets specifications of equipment prior to use.

040503. Hazardous Waste Management

A. Determine, evaluate, and comply with federal, state, and local hazardous waste management requirements, to the extent permitted by law, applicable to hazardous waste management at a Marine Corps installation within the CONUS, or DoD 4715.05-G (Reference (ak)) and Final Governing Standards requirements applicable to hazardous waste management at a Marine Corps installation OCONUS.

B. Identify and submit to the CMC (LF) project documentation and funding requests for hazardous waste project requirements necessary to maintain compliance with applicable existing and emerging regulations and permits. Program, budget, and fund personnel, equipment, materials, training, monitoring, and other requirements necessary for installation operations to comply with hazardous waste management, to include transportation and disposal requirements to the extent permitted by law. Pay appropriate federal, state, and/or local fees to the extent permitted by law. Ensure that the EMH is employed, pollution prevention alternatives are evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

C. To the extent permitted by law, ensure that all required federal, state, and/or local hazardous waste management permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all hazardous waste management projects.

D. Ensure the installation has a hazardous waste program manager.

E. Develop an installation HWMP as described in this Volume.

F. Designate, in writing, personnel authorized to sign UHWMs for the installation.

G. Develop training programs and train personnel involved in hazardous waste operations. Such training shall meet applicable federal, state, and/or local hazardous waste management requirements (see Volume 5 of this Manual).

H. Provide technical assistance and support to commands/units and DoD tenants as needed.

I. Ensure annual submittal of hazardous waste data to NAVFAC and CMC (LF) via the EPR Portal.

J. Ensure submittal, as required, of the biennial hazardous waste report to the EPA or authorized state.

K. Ensure that coordination occurs with the Safety Office on hazardous waste management guidelines and practices that impact risks to the health and safety of operators and response personnel.

L. Budget and fund personnel, facilities, and equipment necessary to handle, store, transport, treat, and dispose of hazardous waste generated by installations as outlined in Volume 3 of this Manual.

M. Budget and fund personnel, facilities, equipment, and other costs necessary to transport and dispose of Marine Corps command/unit- and tenant-generated hazardous waste as outlined in Volume 3 of this Manual.

N. Ensure that an installation order is written to implement specifications set forth in this Volume. This requirement can be accomplished by writing an Environmental Compliance & Protection Standard Operating Procedure to implement all environmental requirements.

**0406 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS COMMANDS/UNITS AND TENANTS**

CG/CO of Marine Corps commands/units and tenants shall:

040601. Authorized Use List (AUL) Program

A. Ensure that the AUL for their operations is approved by the AUL Work Group and up-to-date at all times. If no current AUL is established, the Unit Commander or Work Center Supervisor shall create and submit an AUL to the AUL Work Group for review and approval within 30 days of installation AUL policy distribution. This reporting requirement is exempt from reports control in accordance with part IV, paragraph 7h of reference (aq). AUL approvals for all HM (new and reused) shall be submitted to the enterprise hazardous material/hazardous waste tracking system.

B. Ensure that no hazardous material is ordered, used, or stored within their Work Center unless it is on their approved AUL. Identified items that do not comply with this Manual are to be either reported to the AUL Work Group through the AUL Adjustment process or confiscated and turned in to the installations' designated point of contact.

C. Submit necessary AUL changes to the AUL Work Group for approval using the AUL Adjustment (NAVMC 11779) and a copy of the SDS (formerly known as Material SDS).

040602. Reutilization Program

A. Ensure the first source of supply for hazardous material procurement is the reuse of existing supply within the Work Center and then the installation.

B. Ensure that hazardous material inventory available for reuse is reviewed before the procurement of new materials.

C. Within mission requirements, ensure that no new hazardous material is ordered if an equivalent stock item, to include a partially used container, is available for reuse that will satisfy the mission requirement.

040603. Hazardous Waste Management

A. Comply with all host-installation/Commander in Chief orders and plans that govern the management of hazardous waste. Participate in the updating of orders and plans to ensure that the needs of the Marine Corps commands/units and tenants are addressed.

B. Develop command/unit and tenant orders, directives, and/or standard operating procedures as needed to implement host installation orders and a plan that governs hazardous waste management.

C. Designate hazardous waste management personnel for each hazardous waste generation, accumulation, and storage site under the cognizance of the Marine Corps commands/units and tenants.

D. To the extent permitted by law, comply with all federal, state, and/or local requirements applicable to hazardous waste management at the Marine Corps commands/units and tenants.

E. To the extent permitted by law, ensure that U.S. Navy Bureau of Medicine complies with state and local requirements applicable to medical waste management at the commands/units and tenants.

F. Assist the host installation hazardous waste program manager in filling out all required regulatory reports.

G. Direct hazardous waste management personnel to respond timely to all required data calls for hazardous waste information.

H. Budget and fund personnel, facilities, and equipment and other costs associated with the generation and preparation for transport of hazardous waste as outlined in Volume 3 of this Manual.

I. In the event of a hazardous material or hazardous waste spill due to command or unit activity, fund costs associated with cleanup of spills and disposal of spill debris as outlined in Volume 3 of this Manual.

J. Ensure that designated hazardous waste coordinators and other personnel involved in hazardous waste management receive appropriate hazardous waste training. Participate in the host installation's hazardous waste training program to take advantage of Marine Corps in-house expertise and economy of scale for contractor-provided training.

K. Request technical assistance from the host installation hazardous waste Program Manager as needed.

0407 INSTALLATION AUTHORIZED USE LIST (AUL) WORK GROUP

Installation AUL Work Group shall:

040701. Monitor and enforce compliance with the AUL policy and escalate issues to the Installation Commander as necessary.

040702. Develop and review, annually, an installation-wide consolidated AUL based on the AULs for each work center. During the annual review, installations will submit to MCICOM a list of any new hazardous materials brought aboard the installation during that year to be included in the centralized hazardous material tracking system. Identify substitutions for Sustainable Procurement Program -compliant or less hazardous products, and remove materials no longer necessary to satisfy mission requirements. Distribute changes and recommended updates to AULs to work centers, tenants, contractors, and visiting units as necessary.

040703. Meet as needed, but not less than quarterly, to review and approve (or deny) all requests for additions to, or modifications of, specific hazardous material on installation, work center, tenant, contractor, or visiting unit AULs using the NAVMC 11779 (06-11) (EF). Additional informal or virtual meetings are encouraged to process routine or expedited requests of high priority.

040704. Appoint an AUL Work Group Manager from the logistics division.

040705. Oversee development and approval of AULs for each applicable work center and for all tenants, contractors, and visiting units operating aboard the installation for 30 days or more.

0408 INSTALLATION AUTHORIZED USE LIST (AUL) WORK GROUP MANAGER

In addition to the Installation AUL Work Group responsibilities described in paragraph 0407 of this volume, the Installation AUL Work Group Manager shall:

040801. Lead the AUL Work Group in all activities and responsibilities.

040802. Serve as the single POC for installation AUL stakeholders.

0409 UNIT HAZARDOUS MATERIAL/HAZARDOUS WASTE HANDLERS

Hazardous material and hazardous waste presents the most prevalent environmental risk in the Marine Corps. All individuals who manage hazardous waste Accumulation Points or SAAs require appropriate training to meet requirements per References (q) and (r). Individuals managing these waste sites shall:

040901. Complete the installation's certified hazardous material/hazardous waste handler course within 60 days of assignment to duties involving the management of hazardous waste. If training per References (q) and (r), or applicable regulations for overseas installations, has already been completed (CECOS or other certified installation course), only local training and annual



refresher training is required. If not yet qualified, duties may be performed under the direct supervision of a properly trained individual.

040902. Complete annual refresher training.

040903. Optionally enroll as an additional MOS 8056 hazardous material /hazardous waste Handler Marine. See Volume 5 for MOS 8056 training requirements.

040904. Ensure unit hazardous material /hazardous waste are handled properly. Report problems through the unit ECC or chain of command.

**VOLUME 9: APPENDIX A**

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD  
POLICIES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

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**APPENDIX A**  
**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD**  
**POLICIES**

1 FEDERAL STATUTES

a. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

(1) Subtitle C: Hazardous Waste (HW) Management. Provides the statutory basis for U.S. EPA to promulgate the regulations contained at 40 Code of Federal Regulations (CFR) parts 260-279. The major topics covered in subtitle C are discussed briefly below.

(a) Section 6921: Identification and Listing of HW. Tasks EPA with developing criteria for identifying the characteristics of HW and for listing HW. Properties taken into account are toxicity, persistence, and degradability in nature, potential for accumulation in tissue, reactivity, ignitability, corrosiveness, and other characteristics that make a substance hazardous (40 CFR 261 subparts A through D).

(b) Section 6922: Standards Applicable to Generators of HW. Establishes standards for HW generators as necessary to protect human health and the environment. The standards cover HW labeling, containerization, accumulation time, furnishing information on the chemical composition of HW, the UHWM system, and reporting to authorities the quantities and types of HW generated. Further, the standards encourage pollution prevention by requiring HW generators to certify that they have developed programs capable of reducing the volume, quantity, and toxicity of their waste (40 CFR part 262 subparts A through D).

(c) Section 6923: Standards Applicable to Transporters of HW. Establishes the standards applicable to transporters of HW. These include requirements for recordkeeping of HW transported, and their source and delivery points; compliance with the UHWM documents; proper labeling and containerization for shipment; and for Hazardous Material Transportation Act requirements to be met, as specified by the Department of Transportation (49 CFR Subchapter C, Hazardous Materials Regulations) (40 CFR part 263).

(d) Section 6924: Standards Applicable to Owners and Operators of HW TSDFs. Covers various topic areas, which are expanded in the Hazardous and Solid Waste Amendments, Federal Facilities Compliance Act, and Land Disposal Program Flexibility Act of 1996 (Public Law 104-119). Topics in this section that are pertinent to the Marine Corps include:

1. Section 6924(a) requires set performance standards for new and existing TSDFs, including recordkeeping; reporting; UHWM; the location, design, and construction of TSDFs; operation and maintenance practices; contingency planning; and permitting (40 CFR part 264 and 40 CFR part 265).

2. Owners and operators of all HW facilities must have a contingency plan for their facility. The contingency plan must be designed to minimize hazards to human health

or the environment from fires, explosions, or any unplanned sudden or non-sudden releases of HW or HW constituents to air, soil, or surface water (40 CFR Part 265.50).

3. Section 6924(c), added by the HSWA, prohibits the land disposal of bulk or non-containerized liquid HW or free liquids contained in HW (40 CFR parts 264 and 265).

4. Sections 6924(d)-6924(g), added by the HSWA, establish periods and procedures for EPA to prohibit the land disposal of specific HWs(40 CFR part 268).

5. Section 6924(m), added by the HSWA, requires EPA to develop treatment standards for those HWs prohibited from land disposal (40 CFR part 268).

6. Section 6924(n), requires EPA to establish air emissions monitoring and control regulations for TSDFs (40 CFR parts 264 and 265).

7. Sections 6924(u) and 6924(v), establishes the RCRA Corrective Action program for the cleanup of continuing releases, even if beyond the facility property line, from solid waste management units at TSDFs, regardless of when the releases occur (40 CFR part 264, subpart F and 40 CFR part 270).

8. Section 6924(y), added by the FFCA and requires EPA in conjunction with the DoD to develop regulations for identifying when military munitions become HW (40 CFR part 266) (see Volume 21 of this Order).

(e) Section 6925: Permits for Treatment, Storage, or Disposal of HW. Requires all owners or operators of existing or planned HW TSDFs to apply for and receive a RCRA permit prior to continuing or beginning operations. This section includes provisions for existing facilities to continue operation under interim status, as well as specific requirements for each type of TSDF, including landfills, surface impoundments, and waste piles (40 CFR part 270).

(f) Section 6926: Authorized State HW Programs. Allows states to administer and enforce their own HW management programs as long as their HW management requirements are at least as stringent as those of the federal program. Prior to implementing a HW program, each state must obtain written authorization from the cognizant EPA region (40 CFR part 271). Regardless of whether a state has obtained EPA-delegated HW authority, Marine Corps facilities are subject to all RCRA provisions under the FFCA.

(g) Section 6927: Inspections. Establishes EPA and state access authority to facility premises and all records regarding HW management. It requires that EPA or the authorized state inspect all permitted HW TSDFs no less than once every two years. This section also includes provisions for the public availability of all records concerning HW management, unless they are confidential in nature (as defined by 18 U.S.C. §1905) (40 CFR part 271.15) (FFCA section 107).

(h) Section 6928: Federal Enforcement. Outlines the methods, means, and tools for the EPA to enforce RCRA. It includes policies and guidelines for issuing Enforcement Actions (EAs) such as Notices of Violation, compliance orders, public hearings, criminal and civil penalties, knowing endangerment, and interim status corrective action orders (40 CFR part 271.16).

(i) Section 6930: Preliminary Notification. Requires all parties that generate, transport, or recycle HW to notify EPA of their activities. Respondents must submit the information required by following EPA requirements. Parties that have current EPA identification numbers also must file a subsequent notification for items that have changed at their facility.

(j) Section 6933: HW Site Inventory. Requires that each federal agency submit to EPA, every two years, an inventory of the areas it owns or operates, or previously owned or operated, where HW is or was stored, treated, or disposed of at any time (40 CFR part 271.15).

(k) Section 6939d: Public Vessels. Establishes exceptions for HW generated on public vessels to storage, manifest, inspection, or recordkeeping requirements, unless (1) waste is stored on a public vessel for more than 90 days after the public vessel is placed in reserve or is otherwise no longer in service; or (2) the waste is transferred to another public vessel within the territorial waters of the United States and is stored on such vessel or another public vessel for more than 90 days after the date of transfer. Also establishes procedures for computation of HW storage periods.

(l) Section 6939e: Federally-Owned Treatment Works. Prohibits introduction of any HW into a federally-owned treatment works facility.

(m) Section 6961: Application of Federal, State, and Local Law to Federal Facilities. Establishes a comprehensive waiver of sovereign immunity from the applicability of RCRA to federal facilities. This waiver was broadened further by the FFCA. Therefore, the requirements of RCRA generally apply to federal installations in the same manner as they would to any nongovernmental entity. The President may also generally exempt, for up to one year, any SW management facility of any department from compliance with a RCRA requirement if the exemption is in the paramount interest of the United States.

(n) Section 6962: Federal Procurement. States that each procuring agency must select items made of the highest percentage of recovered materials practicable, unless such items are unreasonable, fail to meet performance standards, or are only available at an unreasonable price. This section requires EPA to issue Comprehensive Procurement Guidelines that list designated items that are, or can be, made with recovered materials. This section and the Farm Bill require federal agencies to have “Preference Programs” to acquire recycled content and bio-based products where they are cost effective and meet technical requirements. For more information on procurement of recovered materials, see Volume 17 of this Order.

(o) Section 6963: Cooperation with EPA. States that federal agencies must make available all information required by the EPA Administrator concerning past or present waste management practices and past or presently owned, leased, or operated SW or HW facilities. This includes the information on the market potential of energy and materials recovered from SW.

(p) Section 6964: Applicability of Solid Waste Disposal Guidance to Executive Agencies. Requires executive agencies to comply with SW management regulations when the agency:

1. Has jurisdiction over the real property or the operation of a facility that is involved in SW management.

2. Generates SW, the management of which, if conducted by a person other than the agency, would require a permit or license for disposal of the waste (see Volume 17 of this Order).

(2) Subtitle I: Regulation of USTs. Directs EPA to promulgate standards for the management, control, and closure of Underground Storage Tanks (USTs) used to store petroleum products or HSs. The Subtitle objective is to prevent and clean up releases from USTs (40 CFR part 280) (see Volume 18 of this Order).

b. Federal Facility Compliance Act of 1992, Public Law 102-386

(1) General

The FFCA amended several sections of the Solid Waste Disposal Act (as amended by RCRA).

(2) Section 102

Section 102 amends section 6001 of the Solid Waste Disposal Act by:

(a) Waiving governmental immunity and subjecting federal agencies to civil and administrative fines and penalties, regardless of whether the fines or penalties are punitive or coercive in nature.

(b) Requiring payment of any nondiscriminatory service charges (e.g., assessments in connection with the processing and issuance of permits; amendments to permits; review of plans, studies, and other documents; and inspecting and monitoring facilities) that are assessed in connection with a federal, state, or local SW or HW regulatory program.

(c) Exempting agents, employees, and officers of the United States from personal liability for any civil penalty arising from acts or omissions within the scope of his or her official duties.

(d) Allowing agents, employees, and officers of the United States to be subject to any criminal sanctions under the federal or state HW law, but no department or agency shall be subject to any such criminal sanctions.

(3) Section 104

Section 104 amends section 3007 of the Solid Waste Disposal Act by requiring EPA and/or states to conduct annual inspections of each federal facility for HW program compliance on a cost-reimbursable basis. It also requires federal facilities to conduct comprehensive groundwater monitoring evaluations where such an evaluation has not been conducted within the one year

preceding the FFCA. Groundwater monitoring initiated under CERCLA is specifically excluded from this requirement.

(4) Section 106

Section 106 added to the Solid Waste Disposal Act as section 3022 and states that any HW generated on a public vessel is not subject to the storage, UHWM, inspection, or recordkeeping requirements until the HW is transferred to an installation.

(5) Section 107

Section 107 added to the Solid Waste Disposal Act as section 3004(y) and requires EPA, in consultation with the DoD, to propose and adopt regulations identifying when military munitions (both chemical and conventional) become HWs. It also requires EPA and the DoD to provide for the safe storage, transportation, and disposal of such wastes. See Volume 21 of this Order.

(6) Section 108

Section 108 added to the Solid Waste Disposal Act as section 3023, which provides Federally Owned Treatment Works (FOTW) with the same sewage exclusion from HW regulation as afforded to Publicly Owned Treatment Works. For the exclusion to apply, the wastes received by the FOTW must either meet certain Clean Water Act pretreatment conditions and must comply with LDRs, or must be generated by households or by a person generating less than 100 kilograms (kg) of HW per month.

c. Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq.

The Hazardous Materials Transportation Act is administered by the Department of Transportation and regulates the shipping, marking, labeling, placarding, and recordkeeping requirements for HMs, including HWs and military munitions. 49 CFR parts 100-199 describes these regulations.

d. Land Disposal Program Flexibility Act of 1996, Public Law 104-119

This Act amended two RCRA programs: the LDR program and the non-hazardous landfill groundwater monitoring program. This Act exempts HW from RCRA requirements if the HW is treated to a point where it no longer is characteristic of a HW and is disposed in a deep injection well under the Safe Drinking Water Act.

e. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

This Act is intended to provide funding and enforcement authority for cleaning up waste disposal sites and for responding to HS spills. CERCLA establishes a comprehensive response program for past HW activities and the planning and response framework for HS releases.



f. Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

This Act, which is title III of the Superfund Amendments and Reauthorization Act, encourages and supports emergency planning and requires that the public receive timely and comprehensive information about possible or potential hazards associated with toxic chemical releases. Most notably, specific sections of EPCRA require immediate notification of releases of extremely hazardous substances and HSs defined under CERCLA to state and local emergency response planners. EPCRA requires state and local coordination in planning response actions to chemical emergencies. The Act also requires the submission of information on chemical inventories and releases.

## 2 EXECUTIVE ORDERS

E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015, has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship.

## 3 DEPARTMENT OF DEFENSE (DOD) POLICY

- a. DoD 4140.27-M, “Shelf-Life Management Manual,” May 5, 2003.
- b. DoD 4160.21-R, “Defense Materiel Disposition Manual,” August 18, 1997.
- c. DoDI 4715.06, “Environmental Compliance in the United States,” May 4, 2015.
- d. DoDI 6050.05, “DoD Hazard Communication (HAZCOM) Program,” August 15, 2006.

## 4 RELATED MARINE CORPS POLICY

- a. MCO 1510.116, “Individual Training Standards For Hazardous Material/Hazardous Waste Marine,” September 23, 1999.
- b. MCO 4140.5A, “Marine Corps Shelf-Life Program,” February 18, 2015.
- c. MCO 4400.39, “War Reserve Materiel Policy,” February 8, 2011.

- d. MCO 10330.2D, “Storage and Handling of Liquefied and Gaseous Compressed Gasses and Their Full and Empty Cylinders,” June 16, 2000.
- e. MCO 4030.19K (P4030.19K), “Preparing Hazardous Materials for Military Air Shipments,” April 21, 2015.
- f. MCO 4030.40B, “Packaging of Hazardous Material,” January 14, 2000.
- g. MCO 4400.151B W/CH 1-2 (P4400.151B W/CH 1-2), “Intermediate-Level Supply Management Policy Manual,” May 15, 2011.
- h. MCO 4400.177G, “Marine Corps Aviation Supply Desk-Top Procedures with Continuous Process Improvement,” July 29, 2014.
- i. MCO 4450.12A, “Storage and Handling of Hazardous Materials,” January 13, 1999.
- j. MCO 4450.13A, “Materiel Quality Storage Standards Policy for Shelf-Life Materiel,” March 10, 2004.
- k. DON, “Commander's Guide to Environmental Management,” 2009.

**VOLUME 9: APPENDIX B**

**“PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE  
DEFENSE LOGISTICS AGENCY (DLA) DISPOSITION SERVICES”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *[bold, italic, blue and underlined font.](#)*

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in *blue font* will reset to black font upon a full revision of this Volume.

<b>CHAPTER VERSION</b>	<b>PAGE PARAGRAPH</b>	<b>SUMMARY OF SUBSTANTIVE CHANGES</b>	<b>DATE OF CHANGE</b>

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**APPENDIX B**  
**PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE DEFENSE**  
**LOGISTICS AGENCY (DLA) DISPOSITION SERVICES**

1 PURPOSE

This procedure identifies steps that should be followed at Marine Corps installations that generate and dispose of HW, and that make the decision to not use DLA Disposition Services for HW disposal.

2 APPLICABILITY

This procedure applies to all Marine Corps installations.

3 REQUIREMENTS

In accordance with DoD Directive 4001.01, Incorporating Change 1, "Installation Support," January 10, 2008, installation Commanding Officers (COs) are responsible for meeting their stated mission and have the authority to determine how to best accomplish that mission. In accordance with DoD Instruction 4715.6, "Environmental Compliance," May 4, 2015 and Chapter 10 of DoD Regulation 4160.21-M "Defense Material Disposition Manual," August 18, 1997, DLA Disposition Services is designated as the responsible agency for worldwide disposal of HW.

4 ACTIONS

Marine Corps installations shall use DLA Disposition Services for HW contract disposal services as much as economically and operationally feasible.

a. Cases in which DLA Disposition Services is not used by the installation to dispose of waste are due to special circumstances (e.g., cost effectiveness, type of waste, response time, quantity of waste, and simplified control over the waste stream). In these circumstances, COs are permitted to contract directly for HW disposal services outside of DLA Disposition Services. In accordance with Chapter 10 of DoD Regulation 4160.21-M, DLA Disposition Services "should be first afforded the opportunity to redress any operational difficulties in providing service."

b. The installation CO, or other personnel as directed, shall coordinate with DLA Disposition Services to obtain documentation of why DLA Disposition Services cannot meet installation disposal needs. The installation environmental director shall maintain documentation in accordance with Standard Subject Identification Code 5090.2 of SECNAV M-5210.1, "Department of the Navy Records Management Manual," May 2012. Review documentation prior to contract completion to reassess the decision not to use DLA Disposition Services.

c. The installation CO shall coordinate with the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division (MCICOM (GF)) to ensure that installation contracts and disposal criteria are at least as stringent as the criteria used by DLA Disposition Services.

d. Attachment 2 of Chapter 10 of DoD Regulation 4160.21-M defines HW Disposal Contract Standards as follows:

(1) Provide 100 percent manifest tracking to maintain a “cradle to grave” audit trail of documentation for HW disposal (i.e., from original turn-in to final disposal).

(2) Monitor contractor performance at time of pickup by DoD personnel serving as Contracting Officer’s Representative.

(3) Conduct extensive past performance and technical evaluation of prime contractor and subcontractors prior to contract award, and monitor during contract performance.

(4) Conduct onsite post award inspections of selected sub-contractors (e.g. treatment, storage, and/or disposal facility and transporters) to ensure compliance with regulatory requirements.

(5) Evaluate contractor performance and document current and past performance in a database. Ensure contract provisions comply with the Federal Acquisition Regulation and applicable Federal, State, and local safety, environmental, and transportation regulations. Monitor contract costs to ensure competitive pricing as well as high quality contractor service.

(6) Reduce start-up, administrative, and re-procurement costs by preparing and awarding long-term contracts, if in the best interest of DoD.

## 5 LIABILITY

Chapter 10 of DoD Regulation 4160.21-M indicates that DLA Disposition Services may request information from Marine Corps installations, including a list of facilities using their own HW disposal contracting, that identifies the type of commodities handled and the prices paid. Additionally, overall liability and responsibilities are the same for those installations using DLA Disposition Services or outside HW contracting services.